

ARIZONA HOUSE OF REPRESENTATIVES
Forty-ninth Legislature –Second Regular Session

COMMITTEE ON HEALTH AND HUMAN SERVICES

Minutes of Meeting
Wednesday, February 3, 2010
House Hearing Room 4 -- 9:00 a.m.

Chairman Barto called the meeting to order at 9:09 a.m. and attendance was noted by the secretary.

Members Present

Mr. Ableser
Mr. Antenori
Mr. Boone

Mr. Bradley
Mrs. Goodale
Mr. Lopes

Mr. Murphy
Mr. Court, Vice-Chairman
Mrs. Barto, Chairman

Members Absent

None

Committee Action

HB2123 – DPA S/E (5-1-0-3)
HB2124 – HELD
HB2148 – DP (5-3-0-1)
HB2224 – DPA (7-0-0-2)
HB2419 – DPA (7-0-0-2)

HB2425 – DP (8-0-0-1)
HB2443 – HELD
HB2469 – DPA (8-0-0-1)
HB2495 – ~~DP~~ FAILED (2-5-0-2)
HB2501 – DP (6-0-0-3)

Chairman Barto congratulated Daryl Laux, Page, for recently passing the Nursing Board exam.

CONSIDERATION OF BILLS

HB2124 – urgent care centers; inspections – HELD
HB2443 – health care coverage; choice – HELD

Chairman Barto announced that HB2124 and HB2443 will be held.

HB2469 – certified medication assistants – DO PASS AMENDED

Vice-Chairman Court moved that HB2469 do pass.

Vice-Chairman Court moved that the Goodale 18-line amendment to HB2469 dated 2/2/10 (Attachment 1) be adopted.

Mrs. Goodale moved that the Goodale 18-line amendment to HB2469 dated 2/2/10 (Attachment 1) be amended as follows:

Page 1, line 1, after “INSTITUTION” insert “AS DEFINED IN SECTION 36-401”

Ingrid Garvey, Majority Research Analyst, explained that HB2469 allows Certified Medication Assistants (CMAs) to dispense medications under the supervision of a licensing nursing staff member in a long-term care facility (Attachment 2).

Don Isaacson, representing Aging Services of Arizona, spoke in support of HB2469 and the amendment. He said this bill is the culmination of a six-year collaborative effort of the Nursing Board, the Nurses’ Association, the Arizona Healthcare Association and Aging Services of Arizona to follow best practices that have been used in other states with respect to CMAs and dispensing of medications. When the pilot program started, 17 states had adopted programs of this nature. The essential element is for safe dispensing of regular medications to patients to free up the time of nursing staff to perform other duties.

Allan Tramel, Administrator, Peoria Good Shepherd, representing self, spoke in favor of HB2469. He stated that Peoria Good Shepherd was one of the pilot program facilities. Utilizing medication technicians frees up about two-and-a-half hours per shift for nurses who are able to spend more time assisting, treating and coordinating care for residents. There is not a direct cost savings, but licensed nursing staff turnover dropped dramatically and morale has improved.

Mr. Lopes asked for a quantification of savings related to less licensed nursing staff turnover, which Mr. Tramel said he would provide.

Kathleen Pagels, Executive Director, Arizona Health Care Association, spoke in favor of HB2469. She said she is very pleased with the pilot study, which is perhaps the most empirical study that has been done of the CMA program nationally. In the prescribed circumstances outlined in the pilot program, there was no increase in medication errors with this level of care. It does have an impact on stability of the workforce and the improved professional role of the Registered Nurse in the long-term care facility.

Chairman Barto asked about feedback from patients. Ms. Pagels answered that patient response at first was skeptical. There were some focus groups of residents and staff, which is referenced in the study, and the response was very favorable. Everyone appreciates the fact that nurses are more available for questions, bedside assessment and care.

Gregory Harris, Arizona State Board of Nursing, said the Board looked at this approach to the delivery of care in nursing care institutions and fully supports this measure and the amendment.

Mary Griffith, Registered Nurse; Director, Legislation, Arizona Nurses’ Association, neutral on HB2469, stated that this has been a long journey. In essence, she supports the bill but she has some concerns. She asked that the Members support the bill understanding that language still needs to be included to protect nurses who will be working with the medication technicians.

Vice-Chairman Court announced the names of those who signed up in support of HB2469 but did not speak:

Richard Park, representing self

Harvey Pelovsky, Nursing Home Administrator, representing self

Tom Ballard, representing self

Nigel Santiago, representing self

Diane Kubala, representing self

Pamela Randolph, Nurse Practice/Education Consultant, Arizona State Board of Nursing

Eunhwa Ellis, Registered Nurse, representing self

Linda Doescher, representing self

George Jacobson, representing self

Cleo Long, representing self

Doug Haney, representing self

Norman Moore, Attorney, Aging Services of Arizona

Stan Szptek, representing self

Tom Hines, representing self

Larry Litman, representing self

Shirley Grant, Registered Nurse, representing self

Michael Dalton, President, Bandera Healthcare, representing self

Paula Mitchell, representing self

Karla Averill, Director of Assisted Living, Arizona Health Care Association

Patrick Hobbs, Healthcare Administrator, Arizona Health Care Association

Matt Church, representing self

Kathleen Langford, Administrator, Mountain View Manor

Matthew Luger, Chief Executive Officer, Covenant Health Network

Sean Mockbee, representing self

Cindy Leach, representing self

Krysten Sweet, Arizona Health Care Association

Richard Lasota, representing self

Eli Robbins, representing self

Tyler Hoopes, Administrator of Skilled Nursing, Highland Manor Health and Rehabilitation

Mitch Menlove, Arizona Health Care Association

Scott Wynn, Board of Directors, AzAHA; Chief Operating Officer, Beatitudes Campus, representing self

Question was called on the verbal motion that the Goodale 18-line amendment to HB2469 dated 2/2/10 (Attachment 1) be amended as follows:

Page 1, line 1, after "INSTITUTION" insert "AS DEFINED IN SECTION 36-401"

The motion carried.

Vice-Chairman Court moved that the Goodale 18-line amendment to HB2469 dated 2/2/10 (Attachment 1) as amended be adopted. The motion carried.

Vice-Chairman Court moved that HB2469 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 3).

HB2425 – vulnerable adults; attorney fees – DO PASS

Vice-Chairman Court moved that HB2425 do pass.

Ingrid Garvey, Majority Research Analyst, explained that HB2425 specifies that a court may order the payment of reasonable attorney fees not to exceed the amount of compensatory damages in a civil action involving a vulnerable adult (Attachment 4).

Representative Adam Driggs, sponsor, conveyed that this bill limits attorney fees but does not limit compensatory damages. Current statute acts as a lure to invite litigation in this area by potentially awarding attorney fees in a greater amount than normally occurs in a day-to-day malpractice-type case; the intent of the bill is to reform this area in statute.

David Cohen, Attorney, Arizona Health Care Association, spoke in support of HB2425. He related that the Adult Protective Services (APS) Act was amended to allow vulnerable and incapacitated adults to file civil causes of action for abuse, neglect and exploitation. Due to concern that people might not take these cases, enhanced remedies were added, including attorney fees. What has happened is that APS lawsuits are filed in great numbers and firms are advertising on television and radio to file these types of lawsuits against nursing homes. Law firms are moving to Arizona for the sole purpose of filing lawsuits against nursing homes. The amount of settlements in verdicts has been great; six and seven figures are not unheard of. Lawsuits with little or no merit have been filed because of this “hammer” over nursing homes that at the end of the day an economic decision will be made to settle cases because of concern about attorney fees. In some cases, 20, 30 or 40 depositions were taken by plaintiff’s counsel with the idea that the more time and effort is put into the case, the more attorney fees will be trumped up.

He stated that as a result of this provision, nursing homes have seen higher insurance premiums and higher deductibles. In 2005, the attorney fees provision was amended to state two times compensatory damages; however, that has not worked. This bill allows one-time compensatory damages to be recovered as attorney fees and, hopefully, will eliminate non-meritorious lawsuits and allow nursing homes to deflect money toward patient care that is currently being spent to defend lawsuits.

Vice-Chairman announced the names of those who signed up in support of HB2425 but did not speak:

Richard Park, representing self

Tom Ballard, representing self

Eli Robbins, representing self

Doug Haney, representing self

Don Isaacson, representing Aging Services of Arizona

Nigel Santiago, representing self

Harvey Pelovsky, representing self

Kathleen Pagels, Executive Director, Arizona Health Care Association

Diane Kubala, representing self

John Checkett, representing self

Mitch Menlove, Arizona Health Care Association
Linda Doescher, representing self
George Jacobson, representing self
Cleo Long, representing self
Norman Moore, Attorney, Aging Services of Arizona
David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association
Stan Szptek, representing self
Tom Hines, representing self
Larry Litman, representing self
Shirley Grant, Registered Nurse, representing self
Michael Dalton, President, Bandera Healthcare, representing self
Paula Mitchell, representing self
Karla Averill, Director of Assisted Living, Arizona Health Care Association
Patrick Hobbs, Healthcare Administrator, Arizona Health Care Association
Matt Church, representing self
Kathleen Langford, Administrator, Mountain View Manor
Matthew Luger, Chief Executive Officer, Covenant Health Network
Karen Barno, President, Arizona Assisted Living Federation of America
Sean Mockbee, representing self
Krysten Sweet, Arizona Healthcare Association
Ken Kidder, representing self
Richard Lasota, representing self
Cindy Leach, representing self
Tyler Hoopes, Administrator of Skilled Nursing, Highland Manor Health and Rehabilitation
Scott Wynn, Board of Directors, AzAHA; Chief Operating Officer, Beatitudes Campus,
representing self
Janna Day, Lobbyist, Arizona Assisted Living Federation of America

**Question was called on the motion that HB2425 do pass. The motion carried
by a roll call vote of 8-0-0-1 (Attachment 5).**

PRESENTATION BY THE AUDITOR GENERAL

Catherine Dahlquist, Performance Audit Manager, Office of the Auditor General, gave a presentation and responded to questions on the following audits conducted on the Department of Economic Security's, Division of Children, Youth and Families, Child Protective Services (CPS) program (Attachment 6):

- Congregate Care
- Relative Placement
- CPS Client Characteristics
- Adoption Program

CONSIDERATION OF BILLS (CONTINUED)

HB2224 – foster parents; rights – DO PASS AMENDED

Vice-Chairman Court moved that HB2224 do pass.

Vice-Chairman Court moved that the Barto seven-line amendment to HB2224 dated 1/29/10 (Attachment 7) be adopted.

Gina Kash, Majority Assistant Research Analyst, explained that HB2224 establishes a foster parent bill of rights (Attachment 8). The amendment specifies that placement information must be kept confidential under certain circumstances, replaces the word *relief* with *respite* and makes technical clarifications (Attachment 7).

Chairman Barto, sponsor, stated that Arizona is blessed to have committed foster and adoptive parents. She said she believes this bill recognizes their contribution and helps maintain their culture as families when they open up their homes to these children.

Kris Jacober, President/Founder, Arizona Association for Foster and Adoptive Parents, representing self, spoke in favor of HB2224. She stated that this legislation and versions of it have been around for a long time. She has been a foster mom for eight years. She believes this legislation will benefit foster parents because they will receive the information needed to be the best parents for children who are vulnerable. She hopes it will reduce the huge turnover of foster parents; it is less expensive to keep people who are already doing a good job than training new people all the time.

Chairman Barto thanked Ms. Jacober for the work the Association does by training and helping foster parents deal with the state.

Ronald Clanton, representing self, spoke in favor of HB2224. He stated that he and his wife have been foster parents for 15 years, specializing in children with developmental needs and disabilities. He stated that this legislation is a tool to empower Arizona's foster parents to more effectively train, love and care for the 10,000 plus children coming into care in Arizona (written comments, Attachment 9).

Vice-Chairman Court announced the names of those who signed up in support of HB2224 but did not speak:

Beth Rosenberg, Lobbyist, Children's Action Alliance

Vice-Chairman Court announced the names of those who signed up in opposition to HB2224 but did not speak:

Seth Apfel, representing self

Robin Quinn, representing self

Question was called on the motion that the Barto seven-line amendment to HB2224 dated 1/29/10 (Attachment 7) be adopted. The motion carried.

Vice-Chairman Court moved that HB2224 as amended do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 10).

HB2419 – sibling visitation rights – DO PASS AMENDED

Vice-Chairman Court moved that HB2419 do pass.

Vice-Chairman Court moved that the Barto two-line amendment to HB2419 dated 1/29/10 (Attachment 11) be adopted.

Gina Kash, Majority Assistant Research Analyst, explained that HB2419 requires the Department of Economic Security's (DES) Division of Children, Youth and Families to allow a child placed in out-of-home care to maintain frequent visitation or other ongoing contact with siblings if visitation is not contrary to a sibling's safety or well-being (Attachment 12). The amendment makes a technical correction (Attachment 11).

Representative Nancy Young Wright, sponsor, stated that she introduced this bill at the request of a constituent whose niece, Abra, is having a difficult time staying in touch with her siblings and wanted to see if something can be done to improve the system for the future. Arizona law does not include enforcement provisions related to co-placement and/or visitation rights of siblings in the Child Protective Services (CPS) system, which this bill aims to address. As far as she knows, the courts support the bill.

Vice-Chairman Court asked if it will cost DES to enforce this visitation. Ms. Young Wright responded that she can request a fiscal note, but it is not intended to place a burden on DES.

Kathy Seeglitz Ber, Department of Economic Security (DES), indicated that DES is required by federal law to make these efforts so she is not aware of an economic impact.

Nancy Jones, representing self, spoke in favor of HB2419. She testified that she is the mother of three children, two of which she adopted at birth and Abra Ferguson who has been living with her for four years. She told the story of how Abra and her siblings came to live with her and eventually Abra's four siblings were adopted by other relatives. Once the adoptions took place, the relatives decided it was not in the childrens' best interest when she tried to get the siblings together. She started researching to see if siblings have visitation rights and could not find any laws in Arizona, but she found a law in Iowa, which she presented to Representative Young Wright. The children lost their grandmother and mother and need to see each other.

Abra Ferguson, citizen, representing self, spoke in favor of HB2419. She related that she started taking care of her siblings when she was about nine years old and CPS placed all of the children with her aunt when she was 13. It was very disappointing, after all the trouble she and her siblings have been through, to have one of the families decide the siblings cannot see each other.

Mr. Murphy stated that he has a similar situation with a foster son, so he hopes this bill will help other people.

Vice-Chairman Court announced the names of those who signed up in support of HB2419 but did not speak:

Regeanna Mwansa, representing self

Beth Rosenberg, Lobbyist, Children's Action Alliance
Robin Quinn, representing self
William Owsley, representing self
Stephanie Mayer, Systems Advocate, Arizona Coalition Against Domestic Violence
Kris Jacober, representing self
Christine Scarpati, Chief Executive Officer, Child Crisis Center
Ramon Garcia, representing self
Chris Fike, representing self

Question was called on the motion that the Barto two-line amendment to HB2419 dated 1/29/10 (Attachment 11) be adopted. The motion carried.

Vice-Chairman Court moved that HB2419 as amended do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 13).

HB2501 – dependent children; hearings; notice – DO PASS

Vice-Chairman Court moved that HB2501 do pass.

Gina Kash, Majority Assistant Research Analyst, explained that HB2501 instructs the court to require Child Protective Services (CPS) to produce evidence that the prospective adoptive placement received actual notice of the date and time of the permanency hearing at least 30 days prior to the hearing (Attachment 14).

Mr. Murphy, sponsor, related that this is clarification of one of the provisions in HB2622 sponsored by Representative Tom Chabin last year, which solidified that once a situation moves to a prospective adoptive placement, a judge has to decide whether or not to upset that if a relative “comes out of the woodwork” because those kinds of disruptions do happen at times, even after two years. Most of the time foster parents do not receive notice of court hearings, so he wants to make sure the protections in last year's bill do not end up being moot in a particular circumstance because someone was not notified of a hearing. He added that he spoke to Katie Proctor from the courts, and the language may need to be tweaked to capture the intent, but she is comfortable with moving the bill forward while continuing to work on the language.

Question was called on the motion that HB2501 do pass. The motion carried by a roll call vote of 6-0-0-3 (Attachment 15).

HB2123 – physical therapy services; business entities – DO PASS AMENDED S/E
S/E: same subject

Vice-Chairman Court moved that HB2123 do pass.

Vice-Chairman Court moved that the Barto seven-page S/E amendment to HB2123 dated 2/1/10 (Attachment 16) be adopted.

Vice-Chairman Court moved that the Barto three-line amendment to the S/E amendment to HB2123 dated 2/2/10 (Attachment 17) be adopted.

Ingrid Garvey, Majority Research Analyst, explained that the S/E amendment to HB2123 specifies that a business entity that provides physical therapy services must establish a written protocol for patient records (Attachment 18). The amendment to the S/E amendment specifies that this section does not apply to a health care institution that is licensed pursuant to Title 36 (Attachment 17).

Heather Bernacki, Government Relations Associate, Arizona Physical Therapy Association, spoke in favor of the S/E amendment to HB2123. She said patient records retention for business owners that are not licensed physical therapists is not clearly addressed in statute. The S/E amendment will ensure that patients have access to copies of their records by requiring implementation of a protocol for storage and registration with the Physical Therapy Board. The Physical Therapy Board was consulted on this legislation and is in support. She added that the President of the Arizona Physical Therapy Association, Kay Wing, is present to address any technical questions.

Vice-Chairman Court announced the names of those who signed up in support of the S/E amendment to HB2123 but did not speak:

Brandy Petrone, Arizona Board of Physical Therapy
James Roush, President, Arizona Physical Therapy Association
Stuart Goodman, Lobbyist, Arizona Board of Physical Therapy
Steve Barclay, Lobbyist, Cancer Treatment Centers of America; CIGNA
Tom Dorn, Lobbyist, Arizona Physical Therapy Association

Vice-Chairman Court announced the names of those who signed up as neutral on the S/E amendment to HB2123 but did not speak:

Catherine Dahlquist, Performance Audit Manager, Office of the Auditor General

Question was called on the motion that the Barto three-line amendment to the S/E amendment to HB2123 dated 2/2/10 (Attachment 17) be adopted. The motion carried.

Vice-Chairman Court moved that the Barto seven-page S/E amendment to HB2123 dated 2/1/10 (Attachment 16) as amended be adopted. The motion carried.

Vice-Chairman Court moved that HB2123 as amended do pass. The motion carried by a roll call vote of 5-1-0-3 (Attachment 19).

HB2495 – food stamps; electronic benefit cards – ~~DO PASS~~ FAILED

Vice-Chairman Court moved that HB2495 do pass.

Chairman Barto noted that she checked with the Rules attorney who indicated that an amendment drafted by Mr. Ableser (Attachment 20) is not germane to the bill. Mr. Ableser requested a Rules Attorney opinion.

Tim Fleming, Rules Attorney, stated that according to Part D of House Rule 16, *an amendment may not expand the scope of the original bill to give it a new purpose*. HB2495 is a food stamp electronic benefits transfer (EBT) card measure relating to Title 46, which is welfare, but the Ableser 19-line amendment applies to a variety of disclosures other than disclosures applicable to EBT cards, which would expand the purpose of the bill to give it a new purpose, and therefore, is in violation of Rule 16.

Chairman Barto asked if the decision of the Chair that the Ableser amendment [Attachment 20] is not germane to the bill should be overturned. The question failed by a voice vote.

Mr. Ableser requested a roll call vote. The question failed by a roll call vote of 3-4-0-2 (Attachment 21).

Gina Kash, Majority Assistant Research Analyst, explained that HB2495 requires grocery store retailers to verify the identity of patrons who present an electronic benefits transfer (EBT) card issued under the Food Stamp Program (FSP) (Attachment 22).

Representative Debbie Lesko, sponsor, stated that this bill will require that a food stamp recipient's name be printed on the food stamp card and that the food stamp card holder provide identification (ID). Flagrant food stamp fraud is going on, specifically people selling the cards on the street for 33 cents to 50 cents on the dollar and advertising the cards on Craig's List. She is aware that some people are in need and should be helped, but something should be done about individuals who are blatantly committing fraud, which is why she introduced this bill. She said she is working with the Governor's Office and Department of Economic Security (DES) to determine federal regulations and the cost. DES initially said food stamp cards do not have names printed on them, but then she received a letter from DES on November 20, 2009 stating that upon further review, embossing the client's name on the EBT card is standard practice for all cards issued by the contractor, JP Morgan. Only 10 percent of the cards do not have names, which will cost \$1.12 million to add.

Mrs. Lesko stated that John Mangum, who represents grocers, is opposed to the bill because of the burden of requesting IDs. She asked him what percentage of sales are paid for with food stamps compared to other items for which ID has to be asked, which he was unable to provide. Also, people are concerned about the cost and whether a family member would still be able to use the card. She noted that one of the concerns brought forth relating to federal regulations is that a food stamp customer must be treated the same as a cash customer, which she does not believe applies to asking a food stamp customer for ID. She talked to a constituent who said she has to provide two forms of ID when she writes a check, and she is a cash customer. She added that she will pull the bill if it becomes apparent that there will be major problems with federal regulations or it will cost millions of dollars; however, she asked the Members to pass the bill out of Committee in order to continue working on this issue.

Mr. Court remarked that this bill will not stop the person who advertised on Craig's List because the holder of the card planned to go along with the person making the purchase. Mrs. Lesko agreed, but said that a pin code goes with the card, so if someone is selling the card and giving out the pin number, the card would have to be reported as lost or stolen. DES may be

able to address how many cards were lost or stolen and whether a card is red flagged if it happens too often.

Mr. Bradley stated that this is a nationwide issue and suggested that it might be better to have legislation drafted at the federal level with funding provided.

Neil Young, Director, Arizona Department of Economic Security (DES), stated that DES receives about 15,000 allegations of fraud or abuse in a year where investigations are conducted, and of the 10,000 investigations performed where staff go out in the field and do some checking, 6,061 resulted in some type of penalty whereby food stamps or other public benefits had to be repaid, reduced, sanctioned or, in some cases, terminated.

In response to questions, he stated that lost or stolen cards are reported to DES (DES staff is attempting to obtain the exact number), and the client must pay to have the card restored. The account balance does not change unless somebody else uses the card or has access to the pin. Craig's List offers were investigated but no one accepted DES' offer to meet at a grocery store and have an exchange transaction. Most allegations are from staff that see an anomaly in the case. If someone claims to have lost the card, DES would ask when it was used last. If it was used very recently, that would signal a red flag, so an allegation of abuse would be referred to investigators, or if someone's card seems to be lost often. All cases of fraud that meet the Attorney General's criteria are sent to the Attorney General's Office, but the dollar value is often below their prosecutorial threshold. In the last year, DES sent 38 cases for review and possible prosecution.

Mr. Young related that DES worked with JP Morgan to identify the cost of the bill. The difficulty is that under the guidelines for expedited benefits, the cards would have to be issued from 80 offices statewide. Out of the total cost of \$1.12 million, \$890,000 would be a one-time cost for hardware, software, magnetic strips, printing machines, etc. The remainder, about \$230,000, would be tied to staff time to process the cards. He pointed out that a child or other relative may use the EBT card so having one name on the card could be a problem. He responded to numerous questions about food stamps and the investigations unit at DES.

John Mangum, Arizona Food Marketing Alliance, opposed HB2495. He stated that an item of concern to the average grocer is how quickly transactions can be handled at the checkout stand, and debit cards routinely go through the system quickly. EBT transactions tend to be clustered in certain areas, and in order to speed things up, more people will have to be hired, and that cost will be passed on to the consumer. One in six people in Arizona are on food stamps, which is an extraordinary impact on the grocery industry. Regarding the number of EBT transactions, he stated that information is not collected by the Alliance, but perhaps could be obtained from JP Morgan. He added that he is not sure this solution will help, but if it will, he would like to be engaged in the process to minimize the impact on the rest of consumers.

Ellen Katz, Litigation Director, William E Morris Institute for Justice, reviewed a handout in opposition to the bill, which states that HB2495 will deny access to food stamps, may cause discriminatory treatment in violation of federal law and will increase DES' costs (Attachment 23). She submitted that the current system is working and she does not believe

there is sufficient evidence to indicate that there is a problem. DES has a fraud hotline that can be called by anyone, which is an appropriate resolution.

Vice-Chairman Court announced the names of those who signed up in opposition to HB2495 but did not speak:

Karen McLaughlin, Director of Budget & Research, Children's Action Alliance

Bonnie Danowski, Valley Interfaith Project, representing self

Lydia Guzman, representing self

Cynthia Zwick, Executive Director, Arizona Community Action Association

Nancy Haas, representing self

Stephanie Mayer, Systems Advocate, Arizona Coalition Against Domestic Violence

Sam Holdren, representing self

Mr. Ableser stated that one of his constituents has a caretaker who purchases her food because she is homebound and asked how she would obtain food if this bill passes.

Mrs. Lesko reiterated the fact that she is working with DES and representative from the Governor's Office to work out the federal regulations and concerns, indicating that she would not want his constituent not to be able to obtain food. If this is not allowed or it will cost too much money, she will not pursue the bill.

Veronica Bossack, Assistant Director, Division of Benefits and Medical Eligibility, Department of Economic Security (DES), advised that DES is charged \$1.58 per card by JP Morgan.

Question was called on the motion that HB2495 do pass. The motion failed by a roll call vote of 2-5-0-2 (Attachment 24).

Mrs. Lesko commented that it is very important to discuss this issue so the public can see what is happening and that the Legislature is trying to do something. She obtained some good ideas and found out some information she did not know before.

HB2148 – adoption – DO PASS

Vice-Chairman Court moved that HB2148 do pass.

Gina Kash, Majority Assistant Research Analyst, explained that HB2148 requires the Arizona Department of Economic Security's (DES) Division of Children, Youth and Families or its contracting agency to give primary consideration to placement of a child with a married couple with certain exceptions (Attachment 25).

Kris Jacober, President/Founder, Arizona Association of Foster and Adoptive Parents, representing self, opposed HB2148. She submitted that being a foster parent is a calling and it does not matter if the person is single or married. There are more than 2,000 children in Arizona's foster system with many different circumstances and many needs. She is afraid that limiting the pool will limit options for children. In response to questions, Ms. Jacober stated that the treasurer of the board is a single woman who adopted her daughter after being the child's foster parent. The first step in the process is to attend an orientation during which people decide

whether to be a foster parent or an adoptive parent. Telling people that married couples are given preference may eliminate many qualified people, including a single relative.

Cathi Herrod, President, Center for Arizona Policy, testified in support of HB2148. She stated that HB2148 does not exclude adoption by single individuals, but states that if there is a choice between a married couple and a single individual, the child deserves a chance to have a mom and a dad, except in certain circumstances. In relation to a single relative who wishes to adopt the child, the child would be placed with the single relative even if there is a married couple available. She said DES requested a Floor amendment stating that the relative does not have to be certified to adopt. She opined that there are plenty of children for single individuals and married couples.

Chairman Barto commented that the bill merely places into statute the best practices as indicated by social science data. Discussion followed.

Vice-Chairman Court announced the names of those who signed up in support of HB2148 but did not speak:

Ron Johnson, Executive Director, Arizona Catholic Conference

Vice-Chairman Court announced the names of those who signed up in opposition to HB2148 but did not speak:

Regeanna Mwansa, representing self

Susan Frank, representing self

Beth Rosenberg, Lobbyist, Children's Action Alliance

Marcia Reck, Child Crisis Center

Michelle Harrington, representing self

Denise Heap, Chief Executive Officer, We Are Family Arizona, representing self

Joanne Townsend, representing self

Kathy Young, representing self

Seth Apfel, representing self

Alice Bendheim, representing self

Rivko Knox, representing self

Lynn Hoffman, representing self

Katie Hobbs, representing self

Dennis Ichikawa, representing self

Lydia Guzman, representing self

Chris Fike, representing self

Sam Holdren, representing self

Question was called on the motion that HB2148 do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 26).

Without objection, the meeting adjourned at 1:24 p.m.

Linda Taylor, Committee Secretary
February 18, 2010

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)